

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.2339 of 2005.

IN

SECOND APPEAL ST.NO. 30206 OF 2005.

Office notes, office
memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders.

Court's or Judge's orders.

Shri V.G.Mujumdar for the Applicant.

Mrs.Gulshan Johar for the Respondent Nos.3 & 4.

CORAM : ABHAY S.OKA, J.

DATED : 21st July, 2006.

P.C.:

1. Heard the learned Counsel appearing for the Applicant and the learned Counsel appearing for the Respondents Nos.3 and 4. The application is strongly opposed by the Respondents Nos.3 and 4. It is well settled position of law that liberal approach is contemplated while deciding the application under section 5 of the Limitation Act. After having heard the learned Counsel appearing for the parties, I am satisfied that sufficient cause is made out for condonation of delay. Since the delay is of 234 days, Applicant will have to pay costs to the Respondents Nos.3 and 4.

2. Hence the Rule is made absolute in terms of

: 2 :

prayer clause (a), subject to condition of the
Applicant paying costs of Rs.2500/- each to the
Respondents Nos.3 and 4 within a period of six
weeks from today. Payment of costs will be
condition precedent.

Judge.